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Note verbale dated 12 January 2018 from the Permanent Mission of Timor-Leste to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Democratic Republic of Timor-Leste to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to transmit herewith the report of the Democratic Republic of Timor-Leste on the implementation of Security Council resolution 1540 (2004).

The Permanent Mission of the Democratic Republic of Timor-Leste would appreciate it if the report could be forwarded to the Committee (see annex).

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Annex to the note verbale dated 12 January 2018 from the Permanent Mission of Timor-Leste to the United Nations addressed to the Chair of the Committee

Report of Timor-Leste on the implementation of Security Council resolution 1540 (2004)

Introduction

The Democratic Republic of Timor-Leste became a Member State of the United Nations Organization in September 2002. Two years after Timor-Leste joined the United Nations, the Security Council unanimously adopted resolution 1540 (2004) concerning the non-proliferation of weapons of mass destruction.

Timor-Leste recognizes that, by that resolution, the Security Council established the obligation, under Chapter VII of the Charter of the United Nations, for all Member States to develop appropriate legislative measures against the proliferation of nuclear, chemical and biological weapons and their means of delivery, in particular with reference to non-State actors and terrorist actions. Timor-Leste acknowledges that non-State actors and terrorist actions are threats to peace. Timor-Leste has therefore been obliged to strengthen its national legislation and hereby submits its first report to the Security Council Committee established pursuant to resolution 1540 (2004).

As a State Member of the United Nations, the Democratic Republic of Timor-Leste "shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery," as well as related materials, in particular for terrorist purposes, and prohibit any "attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them". Because the commitment to collective security is one of Timor-Leste's constitutional principles, its Government is authorized to detect, deter, prevent and combat the illicit trafficking in and brokering of such items, in accordance with international law.

Timor-Leste has further recognized that resolution 1540 (2004) is a "legally binding obligation that covers all three types of weapons of mass destruction with a focus on preventing the proliferation of these weapons".

In that context, Timor-Leste has indirectly contributed to the implementation of the resolution through existing national legislation to regulate weapons, which are only authorized for the country's national police and defence forces, while all others are prohibited by law and regulations from owning weapons.

Because the implementation of resolution 1540 (2004) is a legal obligation, Timor-Leste has been obliged to submit its first report, which is as follows:

Paragraph 1 of the resolution

The Democratic Republic of Timor-Leste has declared that the country does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons or their means of delivery.

Paragraph 2 of the resolution

In section 8, paragraph 2 of Timor-Leste's constitution, it is clearly stated that the country aims for "simultaneous and controlled disarmament", with a view to "ensuring peace and justice in the relations among peoples". Guided by this principle,

Timor-Leste has established national legislation to limit the use of arms to its national police and defence forces.

Paragraph 3 of the resolution

Subparagraph 3 (a)

Effective measures to account for and secure such items in the production, use, storage or transport of nuclear, chemical or biological weapons in relation to delivery systems through the Democratic Republic of Timor-Leste are considered minimal, owing to the fact that Timor-Leste has only two neighbours by sea and land, Australia and Indonesia, with which it has good bilateral cooperation. In addition, Timor-Leste is a small country with a small population. The level of national controls currently in place with regard to access to weapons and to account for and secure such items is therefore considered to be proportionate to the low risk of their entering the territory of the Democratic Republic of Timor-Leste.

Subparagraph 3 (b)

The Democratic Republic of Timor-Leste considers the legislative controls already in place relating to nuclear materials to be reasonably comprehensive. Currently, the legislative controls do not account for items of a nuclear, chemical or biological nature, but the risk associated with that is low given the absence of any significant chemical or biological agents in the country and the factors described above in the response to subparagraph 3 (a) of resolution 1540 (2004).

Subparagraph 3 (c)

The security forces responsible for Timor-Leste's land and maritime border demarcation are the national police force and the FALINTIL defence forces (F-FDTL), under the Ministry of Defence and Security. Customs and quarantine are the responsibility of the Ministry of Planning and Finance. Immigration is under the Ministry of Defence and Security. Passport control is the responsibility of the Ministry of Justice and also involves bilateral cooperation with the neighbouring countries of Australia and Indonesia, in accordance with international law.

The authorities of the national police force and F-FDTL have fostered close relationships with the Australian federal police force and Indonesia's police and military. They also have access to intelligence channels, including the International Criminal Police Organization (INTERPOL), of which Timor-Leste has been a member since 2002, which aims to guarantee and promote mutual assistance in order to strengthen and develop mechanisms for effective cooperation to fight crime effectively.

Moreover, Timor-Leste intelligence agencies work together with other relevant intelligence agencies to ensure that information is exchanged within the framework of bilateral, regional and multilateral engagements, through information exchange networks, to detect, deter, prevent and combat the illicit trafficking in and brokering of such items, including terrorist activity, in the territory of Timor-Leste.

Subparagraph 3 (d)

Timor-Leste's laws and regulations to control the movement of materials form a legal framework regulating relevant issues, as follows:

- The Penal Code of Timor-Leste, which contains provisions relevant to subparagraph 3 (d) of the resolution, namely (a) article 211 concerning prohibited weapons, which include nuclear, chemical and biological weapons; (b) article 131, subparagraphs 1 (c), (d) and (f), concerning the use of nuclear,

chemical and biological weapons by terrorist organizations; (c) article 131, paragraphs 2 and 3, concerning penalties for terrorist groups; (d) article 133 concerning the funding of terrorism; (e) article 313 concerning money laundering, including in relation to trafficking in arms or nuclear products; and (f) article 127 concerning war crimes committed using prohibited means of warfare.

- Legal framework for the control of materials, such as customs authority Law No. 09/2017, Customs Code Decree-Law No. 14/2017 on quarantine, and guidelines for a legal framework from the Ministry of Health pertaining to the import and export of radiological sources and licensing procedures in Timor-Leste.

- Article 6 of Law No. 02/2017 imposes controls on the production, use, manufacture, employment, trade, distribution, import, export, transit, transport, advertising, use or possession in any way of substances listed in tables V and VI therein, which shall be subject to licensing, conditioning, authorization and compliance supervision by the Ministry of Commerce, Industry and Environment of Timor-Leste.

- Article 2 (d) of Decree-Law No. 09/2009 of the national police force, on measures to counter organized crime and terrorism in coordination with F-FDTL and the National Intelligence Service, and article 30 of the same Decree-Law, on the Special Operations Company, which is a subunit especially dedicated to dealing with situations of extreme violence in response to terrorist acts or armed actions.

- Ministerial diploma No. 33/2017 of the Ministry of Justice, allowing the Criminal Investigation Police to carry guns (pistols and 9x19 mm weapons). The Criminal Investigation Police is the national agency responsible for the investigation of serious, organized and complex crime. It was established in 2015 within the Ministry of Justice and reports to the Prosecutor General.

Paragraph 5 of the resolution

The Democratic Republic of Timor-Leste acknowledges that no aspect of resolution 1540 (2004) is to be interpreted in a manner that conflicts with the rights and obligations contained in the treaties, conventions and arrangements mentioned in paragraph 5.

Paragraph 6 of the resolution

The Democratic Republic of Timor-Leste does not currently operate a national control list of the type proposed in resolution 1540 (2004). The development and operational implementation of such a list presents considerable challenges for Timor-Leste and the relevant authorities, especially in compiling, maintaining and enforcing it.

Officials from the relevant authorities will be required to undertake further work to consider the range of options available to enhance the implementation of resolution 1540 (2004). The Democratic Republic of Timor-Leste would welcome any technical assistance available to assist its officials in conducting such work, as also indicated below in the response to paragraph 7 of the resolution.

Paragraph 7 of the resolution

The Democratic Republic of Timor-Leste welcomes any technical assistance that may be provided by the respective technical experts to assist relevant stakeholder authorities in implementing resolution 1540 (2004), in particular in developing

enhanced operational capability among the officials of Timor-Leste authorities, such as the Ministry of Foreign Affairs and Cooperation; the national police force and F-FDTL of the Ministry for Defence and Security; the customs authority of the Ministry of Planning and Finance; the office of the Prime Minister; the Ministry of Health; the Ministry of Agriculture and Fisheries; the Central Bank; the Financial Information Unit; the Institute of Petroleum and Geology; the Ministry of Justice and its Criminal Investigation Police; the Ministry of Commerce, Industry and Environment and other relevant stakeholders to further the national commitment towards the practical implementation of the resolution with regard to national control lists in the territory of Timor-Leste.

At present, Timor-Leste has no materials relating to the biological, chemical and nuclear weapons; therefore, the country has not established legislation for harmonizing controls on all armaments, including the relevant materials, in Timor-Leste. However, Timor-Leste has an existing Decree-Law No. 39/2008, amended by Decree-Law No. 40/2016, on the Organic Statute of the National Health Laboratory, to regulate the list of items for medical imports, controlled by national laboratory of the Ministry of Health.

Therefore, Timor-Leste greatly appreciated the visit by Committee experts to assist Timor-Leste in developing national legislation for regulating the existing private pharmacy sector with regard to the import, export, transfer, brokering and prohibition of materials as required under the resolution. Moreover, the assistance of Committee experts in helping Timor-Leste to create licensing measures to regulate imports and exports of nuclear, biological and chemical weapon materials would also be much appreciated.

Timor-Leste continues to pursue its commitment to study and examine whether there is a need to establish a national authority for the implementation of the resolution and relevant national law, regulations and mechanisms to regulate the materials in question. Timor-Leste is a new country with new experience in regard to resolution 1540 (2004); it would therefore be much appreciated if Committee experts organized workshops and seminars in Timor-Leste or actively invited Timor-Leste to participate in regional and global training, workshops and seminars.

Timor-Leste welcomes any technical support that may be provided to raise awareness among the relevant authorities within stakeholders, in particular capacity-building and capacity-strengthening, including to facilitate the acquisition and/or use of equipment to identify chemical and biological substances and nuclear radiological sources in Timor-Leste.

Paragraph 8 of the resolution

The Democratic Republic of Timor-Leste fully supports the international initiative in favour of the non-proliferation of nuclear, chemical and biological weapons and strongly believes that all weapons of mass destruction should be eliminated, given that they constitute a great threat to national, regional and international global peace.

The Democratic Republic of Timor-Leste does not support any entity, whether a State or non-State actor, attempting to develop, manufacture, acquire, possess, transport, transfer or use weapons of mass destruction or their means of delivery. Its commitment has been demonstrated by the signature and ratification of relevant international treaties and conventions, as well as the enactment of national legislation with a view to fighting non-State actors for counter-terrorism purposes and to fostering global peace and security.

The country's serious commitment has been demonstrated by its signature and ratification of the following international conventions and treaties:

(a) Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons, ratified in 2002;

(b) Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or other Gases, and of Bacteriological Methods of Warfare, ratified in 2002;

(c) Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified in 2002;

(d) Treaty on the Non-Proliferation of Nuclear Weapons, ratified in 2002;

(e) Comprehensive Nuclear-Test-Ban Treaty, signed in 2008;

(f) International Convention for the Suppression of Acts of Nuclear Terrorism, signed in 2005.

Paragraphs 9 and 10 of the resolution

In relation to paragraphs 9 and 10 of resolution 1540 (2004), Timor-Leste supports, to the greatest extent possible, international initiatives to reduce the threat posed by the proliferation of nuclear, chemical and biological weapons, their means of delivery and related components. In that context, Timor-Leste will continue to actively participate and contribute to efforts to reduce this threat, primarily in the region of South-East Asia and the Pacific.

Paragraphs 11 and 12 of the resolution

In response to paragraphs 11 and 12 of resolution 1540 (2004), the Democratic Republic of Timor-Leste is fully committed to the implementation of the provisions set out in the resolution, and the various stakeholders are working collaboratively and strictly adhering to the existing laws, which prohibit any development, manufacture, possession, transport, transfer or use of chemical, nuclear or biological weapons or weapons of mass destruction or their means of delivery, which indicates that it has taken the necessary measures to contribute to the non-proliferation of weapons in the country.